

# ***2018 IGMCM TTT***

## ***DAY 2 SCHEDULE***



- ☐ [Homework Review](#)
- ☐ [Complaint Analysis](#)
- ☐ [Investigations \(Part I\)](#)
- ☐ [Investigations \(Part II\)](#)
- ☐ [Functional Area 5370 / Trends](#)
- ☐ [Report Writing](#)



# INSPECTOR GENERAL

*United States Marine Corps*



★ HONOR ★ COURAGE ★ COMMITMENT ★

PRESENTED BY: *MAJ NATHAN FAUGHT*, HOTLINE INVESTIGATOR, A&I

## COMPLAINT ANALYSIS

# AGENDA

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- Complaint Analysis Overview
- Issues vs. Allegations
- Practical Exercise



# COMPLAINT ANALYSIS REVIEW

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- Goal – 5 Days or less
- Conversation with the Complainant
- Ensure the complaint contains all relevant information
  - Dates, Times, Locations, Witnesses
  - Who, What, Where, When?
- Identify any regulation, order, policy, etc that may have been violated
  - <http://www.hqmc.marines.mil/igmc/Resources/Common-Hotline-Complaints/>
  - Consult with the SJA/CL on all allegations
- Only two possible outcomes –
  - Assistance or Investigation



# COMPLAINT ANALYSIS : ISSUE

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- Issue - a request for information or assistance to the CIG that does **not** contain an accusation of FWA or Mismanagement
- Analyze information received from Complainant
  - Individual Issues
  - Systemic issues
  - Policy debate
  - Request for assistance
- Possible for Issues to “grow up” to be an Allegation



# ***COMPLAINT ANALYSIS : ALLEGATION***

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- Allegation – A complaint of FWA or Mismanagement by an individual
- IG will formulate a proper allegation
  - WHO
  - IMPROPERLY DID OR DID NOT DO WHAT
  - IN VIOLATION OF WHAT STANDARD
  - WHEN
- Once formulated, confer with your SJA/CL before proceeding



# ***PRACTICAL EXERCISE***

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- Read complaints
- IG Appropriate
- Credible
- ID Issue(s) and/or Allegation(s)
- Determine Investigative Merit
- What are the COAs (***TARDI***)
- ID IG Actions
- Each person briefs a complaint (Analysis)



# COMPLAINT

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- IG Appropriate? (IG vs Command issue / other agency)
- Credible?
- ID Issue(s) and/or Allegation(s)
- Determine Investigative Merit
- Recommend a COA (**TARDI**)
- ID IG Actions / Correspondence





# QUESTIONS?

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# INSPECTOR GENERAL

*United States Marine Corps*



★ HONOR ★ COURAGE ★ COMMITMENT ★

PRESENTED BY: *Mrs. CYNTHIA EDWARDS*, DIRECTOR, ASSISTANCE AND INVESTIGATIONS

## INVESTIGATIONS – PART I

# ***ENABLING LEARNING OBJECTIVES***

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1. List the four investigation standards.
2. Distinguish the difference between a Manual of the Judge Advocate General (JAGMAN) Investigation and an IG Investigation.
3. Understand the Investigating Officer's roles and responsibilities.
4. Comprehend how to establish facts and gather evidence.



# WHY DO INVESTIGATIONS?

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- Independent, fact-finding process used to address allegations of wrongdoing
- Maintain and ensure confidence in processes and practices in DoD
- Reactive method of resolving issues that affect readiness and war fighting capability
- Leadership tool to assist in addressing improprieties and protect best interest of command



# ***INVESTIGATION***

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- IG investigations are administrative
- A formal fact-finding examination (rather than judicial proceedings) into allegations to provide the directing authority with a sound basis for decision and action
- Standard of proof: Preponderance of the evidence (>50%)
- Led by an assigned CIG or designated IO
- Authorized by a Directing Authority
- Sworn and recorded testimony is a best practice
- Legal review
- Command Endorsement



# ***INVESTIGATION STANDARDS***

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- Independence
  - Impartial both in fact and appearance
- Accountability
  - Report forwarded to Directing Authority to hold wrongdoers accountable
- Completeness
  - Report should be a stand-alone document
  - Reader should come to same conclusion as investigator
- Timeliness
  - Impact on organization / lives / careers



# ***ADMINISTRATIVE VS. CRIMINAL INVESTIGATIONS***

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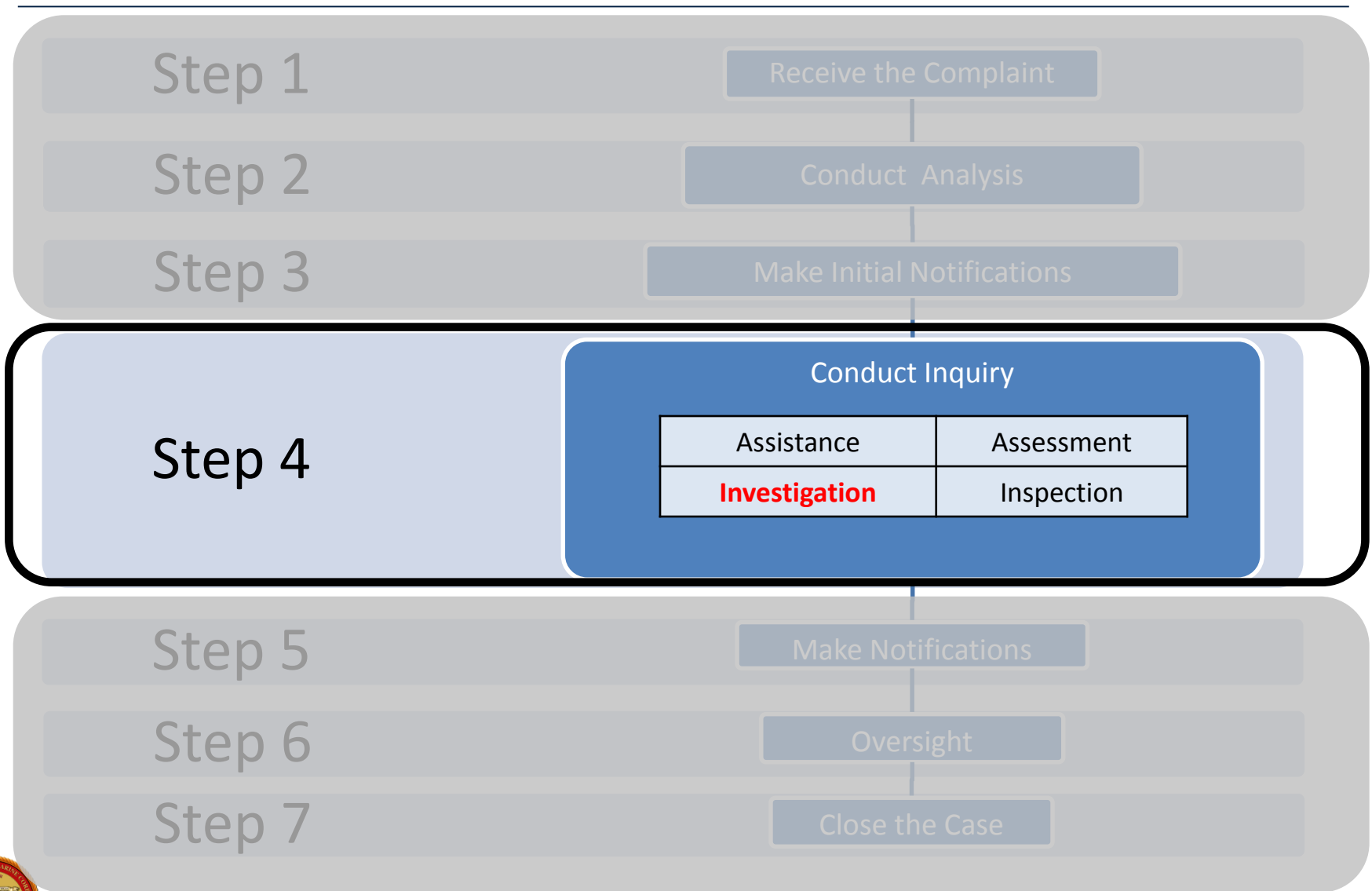
- Due process afforded during IGMC and CIG investigations
  - Advising the subject of the allegations made against him or her
  - Advising the subject of the unfavorable information against him or her
  - Protecting the rights of all persons against self-incrimination

## **JAGMAN vs. IG Investigation**

- Both are administrative investigations
- Both require a preponderance of evidence (>50%)
- Both can be used in a court-martial or for command action
- Commander can disapprove the FoFs or the JAGMAN investigation but not the IG investigation
- IG investigation does not contain any punitive recommendations where the JAGMAN does



# IG PROCESS (IGP) – STEP 4: INVESTIGATION





# ***IG INVESTIGATOR'S ROLE***

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- Independent fact-finder
- Accurate, timely, and complete written reports
- Ask the hard questions (the ones no one wants to)
- Avoid mitigation
- Don't get personally involved
- Know when to say enough

***The role of the CIIG is to protect the best interests of the USMC  
and protect the rights and confidentiality of all individuals  
involved!***



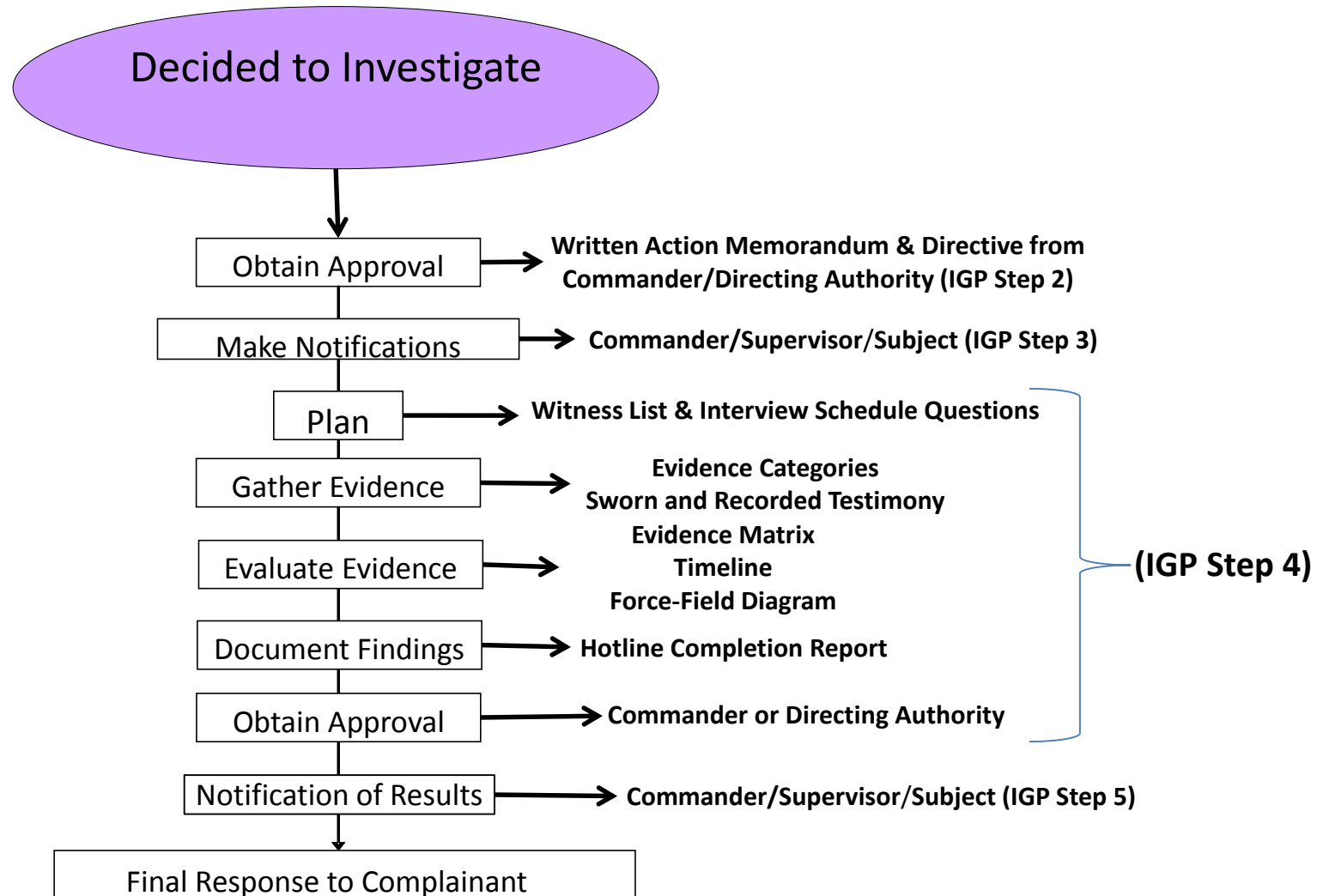
# ***INVESTIGATING OFFICER PREPARATION***

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- Review letter of appointment and applicable directives
- Meet with the Command Inspector General for guidance
- Use the investigative plan
  - Each investigation is different
  - Goal = prove/disprove allegations
  - Draft questions in advance
- Investigators do not summon witnesses
  - Commanders make witnesses available
  - Contracting Officers make contractor personnel available



# IG INVESTIGATION PROCESS



# ***PURPOSE OF THE INVESTIGATIVE PLAN***

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- Critical element to successful achievement of the objective
- Helps the IO to assess facts that must be gathered to substantiate or refute the fact that a violation of a standard occurred
- Identifies the essential elements of that standard (e.g., the elements of proof)
- Determines how to gather the facts
  - Who must be interviewed (witnesses)
  - What questions to ask
  - Develop a logical sequence for conducting the interviews
  - Assess what documentary or physical evidence might be available that would contribute to the investigation



# ***INVESTIGATIVE PLAN – FORMAT***

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- Background
  - Origin of the complaint
  
- Allegations
  - Applicable Standards and Reference Publications
    - *List those applicable regulations/publications that apply to the allegation(s)*



# ***INVESTIGATIVE PLAN – FORMAT CONT.***

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- Evidence
  - Witnesses
    - *List the names of witnesses to be interviewed for each allegation*
    - *The investigator may not need to question all witnesses about every allegation*
  - Documents
  - Physical evidence



# ***INVESTIGATIVE PLAN – FORMAT CONT.***

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- Administrative Matters
  - Itinerary
    - *When, where, and how the investigator plans to conduct the investigation*
      - The list should include: courtesy calls, transportation requirements, lodging requirements, interview locations, and witness interview sequence
  - Notifications
    - *Identify commanders and Subject(s) who should be notified IAW Directing Authority's guidance*
  - Travel Requirements
    - *TAD orders, passports, car rentals*



# ***EXECUTE THE PLAN***

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- How many witnesses are enough?
- Which “official” documents are needed?
- Does anyone need to be re-interviewed?
- Remain impartial and be perceived as such
- Don’t become emotionally attached to the facts
- “Move with a purpose”
- Relevance is tied to the timeliness





# INVESTIGATIVE PLAN

## Investigative Plan as of [Date]

Case Number:	
Primary Investigator:	
Secondary Investigator:	
Case Summary:	



Complainant(s):			
[Rank]	[Name]	[Service]	[Title]

Subject(s):			
[Rank]	[Name]	[Service]	[Title]

Allegations:		
Alleged Subject	Allegation	Result
[Name]		TBD



# INVESTIGATIVE PLAN

Documentary Evidence:			
Document Description	Source	Date Requested	Date Received

Witnesses:						
Person			Interview Dates		Transcript Dates	
Name	Duty Position	Type	Scheduled	Completed	Submitted	Received

TDY Location and Dates:					
Description	Personnel	Destination	Departure Date	Return Date	Cost

Investigative Milestones:		
Event	Milestone Date	Date Accomplished
Notification(s) sent		
IP Approval		
Etc.		



# EVIDENCE

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# ***ESTABLISH THE FACTS***

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- Facts are events that are known to have happened and things that are known to be true
- A general guide in establishing facts is to obtain the testimony of two or more sworn, credible witnesses who independently agree on a single point
- A fact can also be established by a combination of testimony, documentary evidence, and physical evidence that all agree on a single point



# EVIDENCE

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- Investigations are focused searches for evidence in order to substantiate or refute allegations
- The preponderance of credible evidence is evaluated
- Evidence is identified by its source and its comparative value
  - Categories
  - Types
  - Levels



# ***CATEGORIES OF EVIDENCE***

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- Documentary
  - Evaluations, orders, email
  - Previous investigations, Congressional responses
- Physical evidence (uncommon)
- Statements / testimony
  - Primary means of gathering information
  - Transcribed
  - Summarized
- IG's personal observations



# ***TYPES & LEVELS OF EVIDENCE***

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## Value

High



Low

- Direct
  - Physical - documents, records, or computer records
  - Testimonial - evidence presented by the witnesses
- Indirect
  - Circumstantial - physical or testimonial evidence which indirectly proves the existence of a fact
  - Hearsay - a statement heard and repeated by a *third party* as the truth (whenever possible, talk to the actual person who made the statement)
  - Opinion: person's belief or judgment



# ***EVIDENCE-GATHERING***

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- Reviewing documents
  - Command Products
  - Emails
  - Time and Attendance Records
  - SOPs
  - Training Records
  - Contracts
  
- Analyzing data





# EVIDENCE-GATHERING (CON'T)

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- Testimony
  - *Sworn and recorded statement*
  - *Transcribed verbatim*
  - *Most accurate record*
- Statements
  - *Information gathered during an interview that is not sworn*
  - *Document in a MFR*
- Credibility assessment / establish relative merit
- Weigh evidence collected
- Reach a conclusion



# ***INTERVIEW TYPES AND MODES***

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- Two types
  - Witness
    - Complainant
    - Character Witness
    - Expert Witness
    - Informational Witness
  - Subject



- Modes
  - Face-to-Face - Most efficient
  - Telephonic - Time/money saver
  - Interviews by others - Requires in-depth planning/coordination



# ***PREPARE, PREPARE, PREPARE!***

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- Read-in / administrative matters
- Prepare line of questioning
- Use standards & elements of proof to assist drafting questions
- Know what evidence you expect each witness to provide
- Documents ready in order of presentation to interviewee
- Test recording devices ahead of time to ensure they are operational, batteries, a/c adapter



# ***INTERVIEW BASICS***

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- Professional, courteous, impartial
- Interview in private
- Avoid attribution
- Have second interviewer present – coordinate roles in advance
- Remain in control of interview
- May turn off the recorder, but never “off the record”
- Remind interviewee of fact-finding mission



# ***DECIDING WHO TO INTERVIEW***

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- Complainant (first) and Subject (last)
- Persons who signed / coordinated on any official document relating to the matter under investigation (FITREP, travel orders, personnel documents, contracts, etc.)
- Addressees on email messages
- Persons present during a meeting / event that allegedly occurred (check meeting minutes, recorder, Admin Assistant)
- Persons who enter information into another person's calendar or have permissions to view email



# ***SCHEDULING WITNESSES***

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- Anticipate time required for each interview
- Interview sequence
  - Complainant
  - Witness(es)
  - Subject
- Recall as necessary for clarification, validation of new evidence
- Expert witnesses as needed throughout



# DEVELOPING QUESTIONS

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- Know your audience - different experience levels
- Types of Questions
  - “The Basics” – *who, what, when, where*
  - “The Details” – *why, how*
- Start general and build toward specific
  - Establish knowledge of subject
  - Establish knowledge of events
  - Establish knowledge of standards
  - Establish expertise (if applicable)



# ***INTERVIEW TIPS***

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- Most witnesses will provide truthful and complete testimony
- Some witnesses will be reluctant, distraught, and/or hostile
- Always be professional and respectful
- Use individual's (or retiree's) rank
- Be friendly - smile, greeting
- Give witness a chance to relax
- Take breaks if needed





# ***INTERVIEW TIPS (CONT)***

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- Maintain control/focus
- Remain impartial
  - Don't argue, provide advice, problem solve
- Don't allow yourself to be interviewed
- Speak plainly with conversational tone/inflection
- Be sensitive/discreet



# CONFIDENTIALITY

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- Implied confidentiality
  - Protect privacy
  - Maintain confidence in IG system
  - Minimize risk of reprisal
- Express confidentiality
  - IOs cannot grant
  - GCMA Appointing Authorities may, in writing, but
    - *Possible FOIA Limitations*
    - *Official Use Requests*
    - *Discovery Requests*
- Bottom line - while protecting confidentiality is a concern, it CANNOT be guaranteed



# ***IG RELATIONSHIPS – WITH WITNESSES***

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- Investigators do not summon witnesses
  - Commanders make witnesses available
  - Contracting Officers make contractor personnel available
  
- Who is required to cooperate?



# WITNESS COOPERATION

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- Military (Required)
  - Active Duty / Retired
  - Reserve
- DoD Civilians (Required)
  - Appropriated/Non-appropriated Fund
- Defense Contractors (Maybe)
  - May be required to cooperate / consult SJA
  - May Volunteer
- Civilians (No authority)
  - Not employed by the DoD / “Civilian Civilians”
  - May Volunteer



# WITNESS RULES

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- All DoD personnel must participate in an IG investigation
- Subjects may consult attorney *before* questioning
- Witnesses may refer to notes during interview
- Witnesses may not use a recording device or take notes of interviewer's questions
- Government civilian employees may have Weingarten (labor agreement) rights
- Witnesses must be informed if their status changes to subject



# ***DUE PROCESS RIGHTS***

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- Witness
  - Consult with Counsel
  - Confidentiality
  - Review Own Testimony
  - Avoid Self-Incrimination
- Read or not to read Article 31 (b) rights?



# QUESTIONS?

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PRESENTED BY: *MRS. CYNTHIA EDWARDS*, DIRECTOR, ASSISTANCE AND INVESTIGATIONS

## INVESTIGATIONS – PART II



# ***ENABLING LEARNING OBJECTIVES***

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1. Know how to prepare/execute an interview.
2. Understand the Command Inspector General's relationship to a Subject.
3. Determine the standard of proof.



# ***IG RELATIONSHIPS – WITH THE SUBJECT***

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- **DO NOT** talk to the Subject until you have a framed allegation
- Notify the Subject (in writing) of allegations AND outcome
- Always afford the Subject of an investigation the opportunity to testify
- Interview the Subject last
- Never directly give the Subject a copy of any IG products (including the complaint)



# ***DUE PROCESS RIGHTS***

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- Subject
  - Have Counsel Present
  - Remain Silent
  - Know and Comment on Allegations
  - Know and Comment on Unfavorable Information...plus Witness rights
- Read or not to read Article 31 (b) rights?



# ***UNION REPRESENTATION DURING INTERVIEWS***

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- “Weingarten Rights”
- An employee in a bargaining unit represented by a union has a right to union representation
- Employee’s right, not a union prerogative
- The investigator must grant the request, if an employee in a bargaining unit requests union representation



# ***NON-RIGHTS***

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- Friend or relative present during interview
- Know the identity of Complainant
- Know the identities of witnesses
- Be present during the questioning of others
- Remain silent (Subjects Only)



# ***PRIVILEGED INFORMATION***

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- Witness may claim “privilege” that prevents them from testifying / cooperating
  - Promotion Board Members
  - Attorney - Client
  - Spousal
  - Clergy
  - Doctor - Patient\*
    - \*Only between a psychotherapist and his/her patient*
- Consult with SJA



# ***INTERVIEW BASICS***

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- Have room set up prior to interview
- Pre-read all documents
- Greet and establish rapport
- Introduce yourself with credentials (even if you know the interviewee)
- Explain their role (e.g., you are a witness or you are a subject)
- Explain the IG role (fact finder, impartial, unbiased)



# ***INTERVIEW SEQUENCE AND CONDUCT (OVERVIEW)***

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- Admin & Logistics (Pre-recording)
- Read-in
- Questioning
  - Prepared interrogatory / follow-up questions / be flexible
- Read-out





# ***PRE-RECORDED BRIEFING***

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- Familiarize the witness with the interview process
- Establish rapport / Assess witness demeanor
- Explain key information
- Ground rules; If others are present, explain “limits”
- Answers questions interviewee may have before going on record



# ***RECORDING CONSIDERATIONS***

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## **Location**

- In-person, in office best
- Smaller rooms better
- Area free of interference

## **Speaking**

- Don't talk over each other
- Define acronyms
- Spell names first time
- Proximity to microphone
- Speak clearly / distinctly
- Watch voice volume

## **Logistics**

- Two recorders
- Fresh batteries
- Transcribing

## **Best Practice**

- Recording provides a verbatim testimony
- Digital recording should be kept on file until case closure
- Recordings protect the interviewer and the interviewee



# CONDUCTING INTERVIEWS

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- All witnesses / subjects should be sworn
- Use Read-in/out templates
  - *Formal script / read verbatim / do not paraphrase*
- Consider a “pre-interview” routine
- Digitally record ALL interviews



# QUESTIONING TECHNIQUES

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- Start with open-ended
  - “Tell me about...” “Why...?” “How...?”
  - Probe - “What do you mean by that?”
  - Echo / Paraphrase - “I understand you to say that...”
  - Elicit - Use the “and...” technique
- Move to Direct line of questioning
- Follow-up questions
- Use a logical order
- Make witnesses explain fully
- Be thorough, objective, and discreet
- Ask hard questions
- Verbal Responses rather than “head shake”
- Let information come from interviewee – not interviewer
- Avoid stating opinions or reacting to answers
- Avoid interrupting the interviewee



# ***CLOSING THE INTERVIEW***

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- Summarize & clarify main points of interview
- Ask for additional information or evidence
- Ask for other witnesses
- Read-Out



# ***READ-OUT***

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- Read verbatim / closes interview
  - Witness interview script
  - Subject interview script
  - Confidentiality warning
  - Identify the potential for subsequent interviews



# ***POST INTERVIEW***

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- Assess credibility/reliability
  - Bias
  - Body language
  - Voice inflection
  - Ulterior motives
- Plan subsequent interviews
- Correlate evidence



# ***POST INTERVIEW ACTIONS***

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- Submit copy of recording for transcription
- Document any “post interview discussions”
- Verify transcribed testimony
- Summarize ideas or important points of the interview





# LISTENING

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- Silence as a tool
  - Allow sufficient time
  - Limit note taking
  - Eye contact
  - Respond/acknowledge
  - Don't be judgmental
  - Accept feelings
  - Be patient
- Paraphrase
  - Never assume anything
  - Ask for clarification
    - "What do you mean by that?"
    - "Can you explain that another way?"



# ACTIVE LISTENING

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- The most basic and powerful way to connect to another person is to listen
- Witness or subject may not have developed the skill of active listening and might misinterpret what the investigator is asking them and consequently, witness or subject often give an answer that does not respond to the question
- You are not successful active listeners if you do not realize that you never received an answer to your question until you try to write a synopsis of the interview.



# NON-VERBAL BEHAVIORS

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- Can reveal what interviewee is attempting to convey to investigator
- Should only be used to *facilitate* questioning
- IGs should be wary of making decisions about witness/subject/suspect intent based only on their interpretation of that person's body language
- Do not enter these observations in ROI or HCR
- Caution: Effective use and interpretation of body language requires training and practice



# QUESTIONING PITFALLS

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- Off track on peripheral issues
- Compound questions
- Browbeat, mislead, threaten or intimidate
- Make promises
- Advise, counsel, provide opinions, philosophize
- Promise testimony won't be used for adverse action
- Tell an untruth to get a truth
- Reveal the identity of other witnesses
- Lead witnesses or put words in their mouths



# WHAT IF THE INTERVIEWEE...

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## Witness

## Subject

**Won't testify**

Do not order to testify so as to remain impartial; CO may order

**Wants lawyer present**

Do not have right to have lawyer present

**Terminate  
& call SJA/CL**

**Wants lawyer to answer questions**

Lawyers may only advise, not answer or control interview

**Won't incriminate another**

Military and civilians must answer all questions, except self-incrimination

**Remains silent**

Explain their responsibilities; use reluctant witness approach

**Terminate  
& call SJA/CL**



# ***WHAT IF THE INTERVIEWEE...***

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## **Witness/Subject**

**Believes answer is self-degrading**

Military not required to make self degrading statements

**Says classified Issues**

Witness may rightly refuse initially, but not with proper investigator clearance and IG assistance

**Wants Confidentiality**

Explain inherent in IG system, remember only IG or AA may grant “express” confidentiality

**Claims privileged Communication**

Military not required to answer questions that are privileged communications—call SJA

**Says question is immaterial**

Witness may not refuse to testify; IO alone determines materiality of questions



# ***DISTRAUGHT WITNESS/SUBJECT***

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## **DO**

- Treat situation seriously
- Address the situation
- “Are you okay?”
- “Are you thinking of hurting yourself?”
- Ensure unit understands its responsibility
- Let the person know help is available (CO, Chaplain, Attorney)

## **Don't**

- Allow to be left alone
- Act shocked
- Debate morality of the act
- Assume not suicidal
- Offer advice



# ***RELUCTANT WITNESSES***

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- Try increasingly assertive statements
  - “Why are you not willing to provide testimony?” (under oath, recorded, etc.)
  
- Educate the Witness
  - What he/she can and can not do





# ***HOSTILE WITNESSES***

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- Be professional
- Encourage communication
- Listen closely without interrupting
- Depersonalize the situation
- Pause briefly
- Is it expression or insubordination?

Remember - you can't control the witness's thoughts or words, but you can control behavior



# ANALYZING DATA

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- Usually collect more evidence than needed to substantiate or not substantiate allegations
- Analyze and address conflicts
- Identify credible witnesses
- Bring together all evidence (documentary, physical, and testimony)
- Matrix or outline will help eliminate unneeded testimony
- Omit evidence with no bearing on case



# ***EVALUATE THE EVIDENCE***

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- Use standards as guide
- Analyze for accuracy
- Determine what is relevant
- Check for inconsistencies
- Identify corroboration of facts
- Identify and correct any voids / gaps in evidence
- Resolve any weaknesses
- Use best judgment to determine when to stop collecting evidence and preponderance is met



# ***STANDARD OF PROOF***

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Preponderance of evidence

- >50%
- “More likely than not”

***Substantiated or Not Substantiated***



# ***STANDARD OF PROOF (CONTINUED)***

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- Careful not to creep to “Clear and convincing” or “Beyond a reasonable doubt”
- Weight of the evidence not determined simply by number of witnesses / volumes of evidence
- Must consider all evidence and evaluate factors such as witness’ demeanor, ability to recall and relate events, and other indicators of veracity
- Focus on what is relevant to the allegations



# QUESTIONS?

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# INSPECTOR GENERAL

*United States Marine Corps*



★ HONOR ★ COURAGE ★ COMMITMENT ★

PRESENTED BY: *LT COL KRISTIN MCCANN*, DEPUTY DIRECTOR, A&I

## FUNCTIONAL AREA 5370 / TRENDS

# ***ENABLING LEARNING OBJECTIVES***

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1. List the three main areas covered in an IG Hotline inspection.
2. Recognize how to handle non-IG appropriate matters.
3. Understand where to report Senior Official complaints or complaints of Military Whistleblower Retaliation.
4. Determine when notifications to Subjects and Commanders are required.
5. Distinguish when a Staff Judge Advocate should report a Subject to the Officer Disciplinary Notebook.
6. Understand how long records should be retained on site or sent to a government storage facility.
7. Know how to provide maximum confidentiality for all persons using the Hotline.





# ***PURPOSE***

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Ensure the CIIG conducts the day-to-day operation of the IG office in compliance with DoD, DON and MCO policies.



# FA 5370 CHECKLIST

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Renamed to **5370 Assistance and Investigations**

Three main areas covered during and IG inspection:

- Inspector General Administration

- Inspector General Process

- Hotline Administration

Went from 13 to 25 questions

Link:

<http://www.hqmc.marines.mil/igmc/Resources/FunctionalAreasChecklists.aspx>

Look for 5370; about  $\frac{3}{4}$  down the page



# FA 5370 CHECKLIST – GRADING

- Discrepancies: < Preponderance
- Findings: > Preponderance
- Matrix

	A	B	C	D	E	F	G	H	I	J	K	L
	Case ID	Case Type	Case Sub Type	Opened Date	Closed Date	Case Persons	Appropriate Case Action	File Attachments	Naming Convention	Paper File	Analysis	Closure Checklist
2	9848	Assistance	Fraud, Waste, Abuse or Mismanagement	11-Dec-12	16-Mar-15							
4	12558	Assistance	Fraud, Waste, Abuse or Mismanagement	7-Apr-14	9-Oct-14							
5	12760	Assistance	Fraud, Waste, Abuse or Mismanagement	16-May-14	24-Sep-14							
6	12997	Assistance	Fraud, Waste, Abuse or Mismanagement	1-Jul-14	8-Sep-14							
7	13084	Assistance	Fraud, Waste, Abuse or Mismanagement	23-Jul-14	29-Dec-14							
8	13142	Assistance	Non-IG Related Cases	11-Aug-14	21-Aug-14							
9	13268	Assistance	Fraud, Waste, Abuse or Mismanagement	4-Sep-14	4-Sep-14							
10	13321	Assistance	Fraud, Waste, Abuse or Mismanagement	18-Sep-14	25-Jan-15							
11	13457	Assistance	Fraud, Waste, Abuse or Mismanagement	10-Oct-14	31-Dec-14							
12	14112	Assistance	FOIA/PA	29-Dec-14	3-Apr-15							
13	13887	Assistance	Fraud, Waste, Abuse or Mismanagement	26-Jan-15	21-May-15							
14	13913	Assistance	Fraud, Waste, Abuse or Mismanagement	29-Jan-15	3-Sep-15							
15	13915	Assistance	Fraud, Waste, Abuse or Mismanagement	29-Jan-15	3-Sep-15							
16	13927	Assistance	Misconduct	9-Feb-15	8-Jun-15							
17	13975	Assistance	Fraud, Waste, Abuse or Mismanagement	10-Feb-15	25-Mar-16							
18	14071	Assistance	Fraud, Waste, Abuse or Mismanagement	9-Mar-15	24-Aug-15							
19	14085	Assistance	Misconduct	10-Mar-15	29-May-15							
20	14359	Assistance	Misconduct	11-May-15	15-Jun-15							



# ***FA 5370 CHECKLIST - 0101***

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- Has the Commander designated (in writing) and outlined the responsibilities for a Command Inspector General (CIG), as outlined in the references?
- Reference: MCO 5430.1, par 3a(1)(e)



# ***FA 5370 CHECKLIST - 0102***

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- Are the proper CIG organizational structure and command relationships established within the command?
- Reference: SECNAVINST 5430.57G, par 7m(1); MCO 5430.1, par 4b(3)



# ***FA 5370 CHECKLIST - 0103***

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- Do IG personnel have access to the necessary information and spaces to carry out their responsibilities (3270, OMPF, etc.)?
- Reference: SECNAVINST 5430.57G, par 7j



# FA 5370 CHECKLIST - 0104

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- Does the CIG have a local command Hotline Program that is accessible to all members of the command and are the members of the command educated on the purpose of an IG?
- Reference: DoDI 7050.01, par 5.2.2; SECNAVINST 5370.5B, par 7d; MCO 5370.8, par 4a(2)(b)5



# FA 5370 CHECKLIST - 0105

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- Are IG personnel assigned duties that do not interfere or conflict with their ability to provide unbiased monitoring, inspections, investigations, and oversight of the command's personnel or activities?
- Reference: DoDI 5106.05, par E3.13





# ***FA 5370 CHECKLIST - 0201***

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- Do records indicate that IG personnel promptly and correctly intake, analyze, process, and closeout all complaints?
- Reference: DoDI 7050.01, par 6.2.1, MCO 5370.8, par 4a(2)(b)4



# FA 5370 CHECKLIST - 0202

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- Do records indicate that IG personnel refer non-IG appropriate matters (Special Category Hotline complaints) to the appropriate agency including those complaints of a criminal nature (felonies), Equal Opportunity, Hazing, etc.?
- Reference: SECNAVINST 5370.5B, par 7c, MCO 5370.8, par 4a(2)(a) 5



# ***FA 5370 CHECKLIST - 0203***

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- Do records indicate that IG personnel reported all complaints against Senior Officials or complaints of Military Whistleblower Retaliation (Special Category Hotline complaints) to the IGMC?
- Reference: MCO 5370.8, par 4a(2)(c)



# ***FA 5370 CHECKLIST - 0204***

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- Are initial notifications to the Complainant, Command, and Subject conducted IAW the IG Process?
- Reference: MCO 5370.8, par 4a(2)(c)



# ***FA 5370 CHECKLIST - 0205***

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- Are the CIGs informing the command SJA regarding personnel suspected of possible misconduct or substandard performance of duty for inclusion on the Officer Disciplinary Notebook (ODN)?
- Reference: MCO P5800.16A, par 4003



# FA 5370 CHECKLIST - 0206

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- Are Hotline Completion Reports in the correct format and contain all required parts to include:
  - Enclosure list
  - Properly formatted allegations
  - Findings of Fact
  - Analysis
  - Conclusions
  - Disposition
  - Recommendations?
- Reference: DoDI 7050.01, par E2, MCO 5370.8 par 4b(4)



# ***FA 5370 CHECKLIST - 0207***

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- Do the records indicate that the HCRs or MFRs are objective, impartial, and are void of any recommendations of corrective or disciplinary action?
- Reference: DoDI 7050.01, par 6.2.1, MCO 5370.8, par 4b(1) and (4)



# ***FA 5370 CHECKLIST - 0208***

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- Do the records indicate that the CIG reviewed all documentation including Hotline Completion Reports (HCR) and Memorandums for the Record (MFR) to ensure quality including: independence, accountability, completeness, and timeliness?
- Reference: MCO 5370.8, par 4b(4) and (5)





# ***FA 5370 CHECKLIST - 0209***

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- Do the records indicate that the IG investigations contain proper legal review?
- Reference: SECNAVINST 5370.5B 9.d



# ***FA 5370 CHECKLIST – 0210***

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- Do the records indicate that the IG Investigations contain proper command approval (i.e. command endorsement)?
- Reference: MCO 5370.8, par 4b(1) and (4)



# ***FA 5370 CHECKLIST – 0211***

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- Are proper case closeout procedures conducted to include notifications to the Complainant, Command, and Subject conducted IAW the IG Process?
- Reference: MCO 5370.8, par 4b(1) and (4)



# ***FA 5370 CHECKLIST – 0301***

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- Do IG personnel enter all command Hotline complaints into the Case Management System (CMS) correctly and in a timely fashion?
- Reference: DoDI 7050.01, par E3.3; MCO 5370.8, par 4a(2)(b)3



# ***FA 5370 CHECKLIST – 0302***

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- Are the command's assistance case records (electronic and paper) and all supporting documentation retained for 2 years after the date of final action and then destroyed?
- Reference: SECNAV M-5210.1, sect 5000, par 2



# ***FA 5370 CHECKLIST – 0303***

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- Are the command's investigative case records (electronic and paper) and all supporting documentation retained on site for a minimum of 2 years after the date of final action, then either retained or sent to a government storage facility for an additional 8 years, and then destroyed?
- Reference: SECNAV M-5210.1, sect 5041, par 1



# ***FA 5370 CHECKLIST - 0304***

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- Are Hotline complaints resolved within the required timeframe or have documented approved extensions?
- Reference: DoDI 7050.01, par 6.2.5; IGMCM Policy Memorandum 15-01



# FA 5370 CHECKLIST – 0305

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- Do the case files contain the required documentation that supports the findings and conclusions contained in the Hotline Completion Report, to include:
  - The original complaint
  - A description of the actions taken by the examining official to determine the findings
  - The complete identity of all witnesses,
  - The date of and information relayed during interviews, specific details, and locations of all documents reviewed during the interview
  - A description of any other actions the CIG took as a result of the inquiry
- Reference: DoDI 7050.01, par E.3.3





# ***FA 5370 CHECKLIST – 0306***

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- Are the paper casefiles set up and labeled correctly IAW the reference?
- Reference: NAVMC DIR 5210.11E, chap 3, par 4



# ***FA 5370 CHECKLIST – 0307***

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- Do IG personnel have controls established which provide maximum confidentiality for all persons using the Hotline?
- Reference: DoDI 7050.01, par 6.2.3; DoDIG memo dtd 25 Feb 09; and SECNAVINST 5370.5B, par 6c, 8h, AND 8i



# ***FA 5370 CHECKLIST - 0308***

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- Are reports kept in a secure and properly marked location and only those with a For Official Use Only and/or a need to know be granted access.
- Reference: MCO 5370.8, par 5b; SECNAVINST 5370.5B, par 9j; NAVMC DIR 5210.11E, chap 3, par 5



# ***FA 5370 CHECKLIST - 0309***

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- Do IG personnel have a process for controlling and documenting the release of IG records?
- Reference: SECNAVINST 5430.57G, par 8b(7) and (8); and SECNAVINST 5370.5B, par 9j



# INSPECTION TRENDS

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- ☐ CMS document naming convention
- ☐ Paper copy not matching CMS
- ☐ File Organization
- ☐ Called assistance but really an investigation
- ☐ Lack of CMS case notes or case summary (good practice)
- ☐ Substantiated subject(s) in CMS when no investigation was conducted & VICE VERSA – no findings after an investigation
- ☐ Do not upload porn – add case note where porn is located
- ☐ Having a good relationship with units makes everyone's life easier...coaching tasking to those units
- ☐ Putting inappropriate recommendations in the report
- ☐ Handling complaints at your level
  - Research / talk with complainant
- ☐ Case oversight / follow up
- ☐ Reprisal – military goes to IGMC / Civilian DODIG or OSC
- ☐ Knowing when to use a 3<sup>rd</sup> Party ACK\_END
- ☐ Properly framed allegations - all four parts
- ☐ CIGs need to understand reprisal, so to be able to explain it, if necessary, to Complainants. (really to mitigate folks who just say "reprisal" and everyone lose their minds)
- ☐ Determining when and what to refer to outside agencies (NCIS, EO, EEO) and also pulling out IG functions
- ☐ Inquiring into EO issues
- ☐ Legal reviews missing
- ☐ Interviewing Subject = investigation
- ☐ Do not close a case not assigned by your agency



# ***FA 5370 CHECKLIST***

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Link:

<http://www.hqmc.marines.mil/igmc/Resources/FunctionalAreaChecklists.aspx>





# INSPECTOR GENERAL

*United States Marine Corps*



★ HONOR ★ COURAGE ★ COMMITMENT ★

PRESENTED BY: *1STLT SAMUEL KILLEN*, HOTLINE INVESTIGATOR, A&I

## REPORT WRITING

# ***ENABLING LEARNING OBJECTIVES***

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1. Understand the fundamental techniques for utilizing plain language in report writing.
2. Describe the ten components of the HCR.
3. Know the elements of a properly formatted allegation.
4. Know general rules and best practices for writing a good HCR.
5. Know the required use for a Referral Response Letter.





# AGENDA

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- Hotline Completion Report (HCR)
- Referral Response Letter (RRL)



# ***IMPORTANCE OF THE HOTLINE COMPLETION REPORT***

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- Written report provides:
  - The Directing Authority with the facts, analysis and conclusions
  - The basis for the Directing Authority to take disciplinary or administrative action
  - May have policy implications at local command or higher
- Should be a stand alone accurate, and impartial document that can withstand scrutiny



# INITIAL THOUGHTS

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- Often perceived as the most difficult phase of the process
- Write report at the appropriate level for the audience
- “Don’t reinvent the wheel”
- Timely means relevant, increases the credibility in the IG system, and often results in more meaningful command action
- IGMC can provide mentorship and guidance



# WHAT IS PLAIN LANGUAGE?

- Government Mandates
  - Clinton memorandum on Plain Language in Government Writing, 1998
  - President Obama signed the Plain Writing Act of 2010 in October 2010
- It is communication with your audience so they may understand the first time they read or hear it
- <http://www.plainlanguage.gov/>



Ref.:DODI 5025.13



# ***TECHNIQUES FOR PLAIN LANGUAGE***

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- Logical organization with the reader in mind
- Active voice
- Simple sentence structure
- Easy-to-read design features

Ref.:DODI 5025.13



# ***AMBIGUOUS WORDING REWRITTEN***

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- Before:
  - During December 2013 Ms Hays testified that SgtMaj Bean moved out of the family home.
  
- After:
  - Mrs. Bean testified SgtMaj Bean moved out of the family home during December 2013.



# HEADLINES GONE BAD

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- Is There a Ring of Debris around Uranus?
- Miners Refuse to Work after Death
- Typhoon Rips Through Cemetery; Hundreds Dead
- British Union Finds Dwarfs in Short Supply
- Deaf College Opens Doors to Hearing



# GETTING READY TO WRITE

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- Organize your information (IP, force-field diagram, evidence matrix, documents, etc.)
- Verify transcripts
- Read prior reports
- Follow a deliberate process
- Pre-brief with your legal advisor





# ***HOTLINE COMPLETION REPORT - REPORT STRUCTURE***

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1. Scope
2. Allegations or Issues
3. Facts, Analysis, and Findings
4. Criminal or Regulatory Standards
5. Disposition
6. Recommendations
7. Other Matters
8. Security Classification
9. Location of Report
10. Investigating Officer Information



# HOTLINE COMPLETION REPORT - LETTERHEAD



UNCLASSIFIED//FOR OFFICIAL USE ONLY (FOUO)

**YOUR COMMAND'S LETTERHEAD HERE**

IGA  
**SSIC**  
**DATE**

From: **INVESTIGATING OFFICER'S NAME GOES HERE**  
To: **YOUR GENERAL'S (OR BASE COMMANDER) NAME GOES HERE**  
(Attn: **Action Officer's name**)  
Via: **(If Applicable)**  
Subj: HOTLINE COMPLETION REPORT FOR DODIG CASE# 20150000-00000-  
CASE-00 /IGMC Case# 12345  
Ref: (a) **First reference used (if applicable)**  
(b)  
Encl: (1) **Name of first enclosure used**  
(2)



# ***HOTLINE COMPLETION REPORT – SCOPE***

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- Scope
  - **Scope of inquiry or investigation**
    - Type of investigation/inquiry
    - The authority for the investigation
    - Applicable Directives/Standards
    - Limitations (Constraints/Restrictions)
    - Origin and summary of the complaint
    - Name, Rank, and Organization of the Subject
    - List of relevant witnesses



# ***HOTLINE COMPLETION REPORT – ALLEGATIONS /ISSUES***

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- Allegation(s)/Issue(s)–
  - *Identify all allegations: who, did what, in violation of what, when.*
  - *Properly framed allegations using language of the standard*
- Or...*
  - *“There was no violation...However the following issue was raised*



# ***HOTLINE COMPLETION REPORT – FINDINGS OF FACT***

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- Each allegation/issue will have its own findings of fact
- Each finding of fact will relate to the allegation of that section
- Each finding of fact will be supported by a referenced enclosure

“Findings of Fact contained in the Command Investigation (Encl XX) conducted by Capt Smith dated 21 Oct 14 are hereby adopted and Incorporated into the Hotline Completion Report.”



# ***HOTLINE COMPLETION REPORT – FINDINGS OF FACT***

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Examples:

1. SgtMaj Bean was married to Mrs. Bean on 14 February 2013. (Encl. a)
2. Mrs. Bean testified SgtMaj Bean moved out of the family home during December 2013. (Encl. b)
3. SgtMaj Bean testified he is still married to Mrs. Bean and she is still listed as his dependent. (Encl. c, d)



# ***HOTLINE COMPLETION REPORT – ANALYSIS***

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- The IO must methodically examine the Findings of Fact (based on physical and testimonial evidence) relating to an allegation to reach a conclusion
- Each allegation/issue will have its own Analysis Section
- Compare the facts to the Standard
- IOs do not have opinions – Just the facts!



# ***HOTLINE COMPLETION REPORT – ANALYSIS***

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## Example...

“AFI 24-301, paragraph 3.6, provides guidelines allowing use of a government-leased vehicle for non-official business specifically for Service members on TDY (TAD), as opposed to permanent personnel. The preceding paragraphs that explicitly prohibit use of such vehicles for personal business, 3.1 and 3.39, as a result, should be understood to apply to permanent personnel.”





# ***HOTLINE COMPLETION REPORT – ANALYSIS***

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Example #2...

(1) The three elements to be met under Article 134, Soliciting another to commit an offense are as follows:

(a) That the accused solicited or advised a certain person or persons to commit a certain offense under the code other than one of four offenses named in Article 82.

(b) That the accused did so with the intent that the offense actually be committed.

(c) That, under the circumstances, the conduct of the accused was to the prejudice of good order and discipline.

(2) The facts listed in paragraph e. above do not provide any facts linking Captain Goodtime to the creation or preparation of the verification of unit request letter.



# ***HOTLINE COMPLETION REPORT – ANALYSIS***

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Example #3...OR...

(1) Article 107 of the UCMJ contains four elements that must be met:

(a) That the accused signed a certain official document or made a certain official statement. Captain Goodtime signed First Sergeant Flay's verification of unit request letter in his official capacity as the Adjutant, on behalf of the Commanding Officer.

(b) That the document or statement was false in certain particulars. The dates contained within Captain Goodtime's verification letter of First Sergeant Flay's deployment are false. The unit is slated for deployment between January and March 2015, not August 2014.



# ***HOTLINE COMPLETION REPORT – FINDINGS***

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- Restate the allegation or issue with a finding
- Allegation findings:
  - **Not Substantiated** – Not supported or established by a preponderance of the evidence
  - **Substantiated** – Supported or established by the preponderance of the evidence
- Issue findings:
  - **Unfounded** – No merit and requires no action
  - **Founded** – It has merit and requires resolution



# ***HOTLINE COMPLETION REPORT – 4 THROUGH 10***

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4. **Criminal or Regulatory Standards:** List the standards that were substantiated in the report.
5. **Disposition:** Include results of punitive and/or administrative sanctions, value of property or funds recovered, or other actions taken
6. **Recommendations:** Approve and close and/or systemic issues
7. **Other Matters:** Anything discovered during the course of the inquiry or investigation that was not part of the initial scope and warrants further review or research
8. **Security Classification:** Specify any security classification of information
9. **Location of Report:** Where the enclosures and other documents are kept
10. **Investigating Officer Information:** Contact info + IO Endorsement



# ***RULES FOR A GOOD HOTLINE COMPLETION REPORT***

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- Written in Active Voice
- The HCR must be a stand-alone document
- Topics must be systematically arranged and the report must be logically written
- Written as if the reader had no prior knowledge of the case
- Facts are facts – Discussion is analysis
- Analysis of each allegation must be factual, short, and clearly stated



# ***RULES FOR A GOOD HOTLINE COMPLETION REPORT (CON'T)***

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- Specify the elements for each standard
- Do not introduce new standards or facts in the Analysis section that have not previously been presented in the fact section
- Includes a legal sufficiency review and command endorsements
- Just like FitReps – **No highlighted text, underlines etc.**



# ***REFERRAL RESPONSE LETTER (RRL)***

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- Required Response to a Command and IG Information Letter
- Naval Correspondence Format (and signed)
- Must Include
  - Purpose
  - Summary of complaint
  - Actions taken
  - Recommendation
  - Response to a command and IG information letter
- CIGs must approve all RRLs



# ***SUMMARY***

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- Hotline Completion Report (HCR)
- Referral Response Letter (RRL)





# QUESTIONS?

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# ***DAY 2 WRAP-UP / CRITIQUES***

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